

Tab 41

To: Jeff Armstrong@HPRD@ColofEd
From: "Tim Ziegenfuss" <tzphd@hotmail.com>
Certify: N
Subject: Xen again
Date: Saturday, November 18, 2000 at 2:11:09 pm EST
Attached: EMU Xen Data Table.doc, Xen abstract re-write (for
Jeff).doc, Headers.822

Jeff,

Man, BAD news. I was contacted by an attorney for Cytodyne yesterday. Apparently, they are involved in a MAJOR lawsuit against another supplement company (who makes a similar fat burner formula) for improper label claims.

Without getting into the specifics, the abstracts that were submitted to ACSM need to either be re-written or withdrawn immediately. Cytodyne claims that on the EMU contract they specified that THEY must approve any abstracts or publications prior to submission. Since they did not, they either want them re-written/ pulled or they may take legal action against ALL OF US (you, EMU and possibly even me).

In a nutshell, this stems from the abstracts not containing any real "data".

In other words, you included P-values, power scores, etc. but no #s for the magnitude of changes in body mass, fat mass or % fat. Let's face it - no one at Cytodyne knows what the heck ANY of that stuff means, nor would a consumer who looked up the abstracts in an attempt to figure out whether Xenadrine is a legit product. So.....

As the "middle man" I tried to pacify the situation by putting together another abstract and a data table for Cytodyne. Their initial reaction was very positive to both. Take a look at them and let me know what you think.

Perhaps they could be used in the JEP paper.

In the meantime, if ACSM will not consider changes to the abstracts, then I think it's time to look for another conference to present them at. I know the NSCA deadline has not yet passed.

Let's figure this out fast, Bro'.

TZ

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